



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,908	07/03/2001	Johannes W.F. Majoor	ISAA0030	9572

7590 11/05/2003
Glenn Patent Group
3475 Edison Way Suite L
Menlo Park, CA 94025

EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
----------	--------------

2121

DATE MAILED: 11/05/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,908

Applicant(s)

MAJOOR, JOHANNES W.F.

Examiner

Joseph P. Hirl

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 are pending in this application.
2. The claims and only the claims form the metes and bounds of the invention.
"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 2, 5, 8, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 2, 5, 8, 9 and 12 each use

the term "effective" which is a relative term. The specification at page 6, lines 5-7 cites: "In effect, the present invention provides a mechanism for associating a valid start date and stop date for effectiveness of each rule within rulebase 108 such that the rule is only employed by the rule server 104 if the rule is currently effective." In this instance, the term "effective" is defined unto itself which achieves little in the way of definiteness. Further on page 6, at lines 10-15, the specification cites: "a start time is the moment when the particular rule becomes effective, and the end time is the moment when the particular rule is no longer effective. The term 'effective' in this context means that particular rule will be applied by the rule engine 106 at that particular moment in time." While the first sentence of this second quotation has the term with a start and stop moment, the second sentence upsets the first sentence by the mere reference to "that particular moment in time" which indeed could be either the start moment, the stop moment or something else. Consequently, the use of the term "effective" renders Claims 1, 2, 5, 8, 9 and 12 indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Fehskens et al, referred to as USP 6,438,591).

Claims 1, 8

Fehskens anticipates operating a rules server, wherein said rules server comprises a rulebase, wherein said rulebase comprises one or more rules (**Fehskens**, c 7, l 6-23; Fig. 1B; Fig. 10A; c41, l 14; Examiner's Note (EN): servers are computers); associating at least one rule of said one or more rules with a start time and an end time (**Fehskens**, Fig. 10B; c 41, l 54-59); receiving a transaction request(**Fehskens**, c 41, l 4); determining a transaction time for said transaction request (**Fehskens**, c 41, l 54-59); and determining a set of one or more effective rules in said one or more rules for said transaction request, wherein said transaction time for said transaction request is after said start time associated with each of said set of one or more effective rules, and said transaction time for said transaction request is before said end time associated with each of said one or more effective rules (**Fehskens**, c 41, l 54-59).

Claims 2, 9

Fehskens anticipates processing said transaction request with said set of one or more effective rules (**Fehskens**, c 41, l 54-59).

Claims 3, 10

Fehskens anticipates determining a transaction time for said transaction request is performed once each time said transaction request is received (**Fehskens**, c 41, l 26-37).

Claims 4, 11

Fehskens anticipates determining a transaction time for said transaction request is performed repeatedly after a specified length of time (**Fehskens**, c 41, l 26-37; EN: digital signals are time series and it would follow that a determination of transaction time would be repeated at each delta spacing between signals of the time series).

Claims 5, 12

Fehskens anticipates rulebase contains one or more rules that are not in said set of one or more effective rules (**Fehskens**, c 41, l 11-25; EN: for a given transaction alarm, other situations that were not active would not initiate request and the associated rules would not be in the subject set).

Claims 6, 13

Fehskens anticipates start time and said end time is specified by an administrator through a graphical user interface (**Fehskens**, c 41, l 60-62; EN: to one of ordinary skill in the arts, GUI interfaces are appropriate to standard I/O).

Claims 7, 14

Fehskens anticipates transaction time is determined by an administrator
(Fehskens, c 42, l 2-3).

Conclusion

8. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

Amado, USP 5,701,400

Wagner et al, 6,101,440

9. Claims 1-14 are rejected.

Correspondence Information

10. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anil Khatri can be reached at (703) 305-0282.

Any response to this office action should be mailed to:

Art Unit: 2121

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of

"Proposed" or "Draft" for the desk of the Examiner).

Hand-delivered responses should be brought to:

Receptionist, Crystal Park II

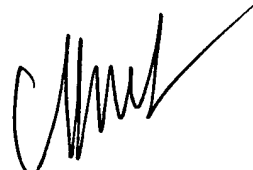
2121 Crystal Drive,

Arlington, Virginia.

Joseph P. Hirl



October 29, 2003



ANIL KHATRI
SUPERVISORY PATENT EXAMINER